

Remarks

In the outstanding Official Action, the Examiner:

(1) acknowledged Applicant's election of Group I, claims 1-27, and indicated that claims 28-38 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected invention;

(2) rejected claims 1-5 and 8-27 under 35 USC 102(b) as being anticipated by Sugarbaker; and

(3) rejected claims 6 and 7 under 35 USC 103(a) as being unpatentable over Sugarbaker in view of Fisher.

In response to Item 1 above, Applicants confirm the previous election to prosecute the invention of Group I, claims 1-27. Applicants expressly reserve the right to prosecute all non-elected subject matter in related applications.

In response to Item 2 above, Applicants have now amended independent claim 1 so as to further define the present invention with respect to the prior art of record.

Claim 1 of the present invention comprises apparatus for providing access to a functioning vascular system of a patient, the apparatus comprising a base having securing means thereon configured for attachment to the vascular system of the patient and configured for formation of a seal between the base and the functioning vascular system of the patient, the base containing an opening therein, the opening configured to provide a passageway from the interior region of the main body to the

functioning vascular system of the patient, and the opening of the base being selectively adjustable in attachment to the vascular system of the patient between a first configuration and a second configuration, the first configuration providing the opening with a first given cross-sectional area, the second configuration providing the opening with a second given cross-sectional area, and the second given cross-sectional area being larger than the first given cross-sectional area.

Applicants believe that Sugarbaker discloses an abdomino-pelvic lavage apparatus adapted to be secured in a midline abdominal incision to form a well with the abdomino-pelvic cavity for lavaging the abdomino-pelvic cavity during surgery. Applicant believes that Sugarbaker discloses securing means for attachment to tissue surrounding an abdominal incision rather than the functioning vascular system of a patient. Applicant further believes that Sugarbaker discloses a base flange configured for positioning beneath the abdominal wall at the marginal edge of the abdominal incision so as to form a well within the abdomino-pelvic cavity. Applicant believes that Sugarbaker does not disclose a base containing an opening therein, the opening configured to provide a passageway from the main body to the functioning vascular system of a patient, and the opening of the base being selectively adjustable in attachment to the vascular systems of the patient between a first configuration and a second configuration. Accordingly, claim 1

is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claims 2-5 and 8-27, which depend either directly or ultimately from independent claim 1, are believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 2-5 and 8-27 is respectfully requested.

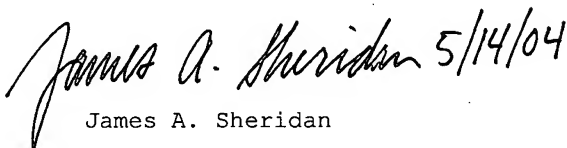
In response to item 3 above, Applicants respectfully traverse the rejection of claims 6 and 7 as being unpatentable over Sugarbaker in view of Fisher inasmuch as Applicants have now amended claim 1 as discussed hereinabove and, therefore, claims 6 and 7, which depend either directly or ultimately from independent claim 1, are believed to be in condition for allowance for at least the above-identified reasons.

Applicants believe that Fisher discloses an enclosure for surgical procedures which includes a transparent tent, support structures, access portals, and an adhesive assembly for attachment to a patient's skin. Applicants believe that Fisher discloses securing means for attachment to a patient's skin rather than the functioning vascular system of a patient. Applicants further believe that Fisher does not disclose a base containing an opening therein, the opening configured to provide a passageway from the main body to the functioning vascular system of a patient, and the opening of the base being selectively adjustable in attachment to the vascular system of

selectively adjustable in attachment to the vascular system of the patient between a first configuration and a second configuration. Accordingly, claims 6 and 7 are believed to be in condition for allowance, and allowance thereof is respectfully requested.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

Respectfully submitted,

 5/14/04

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